

AUG 06 2008

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

JERRY DILLIEHUNT, aka Donald
Holland,

Defendant - Appellant.

No. 06-10542

D.C. No. CR-05-00371-DLJ

MEMORANDUM^{*}

Appeal from the United States District Court
for the Northern District of California
D. Lowell Jensen, District Judge, Presiding

Submitted July 22, 2008^{**}

Before: B. FLETCHER, THOMAS, and WARDLAW, Circuit Judges.

Jerry Dilliehunt appeals from the 38-month sentence imposed following his guilty-plea conviction for being a felon in possession of a firearm, in violation of

^{*} This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

^{**} The panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

18 U.S.C. § 922(g). We have jurisdiction pursuant to 28 U.S.C. § 1291, and we affirm.

Dilliehunt contends that the district court erred by increasing his offense level by two levels for reckless endangerment pursuant to U.S.S.G. § 3C1.2. We conclude that the district court's application of the enhancement was not clearly erroneous. *See United States v. Reyes-Oseguera*, 106 F.3d 1481, 1484 (9th Cir. 1997).

AFFIRMED.